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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,164	05/31/2001	Daniel Fishman	2378/106	8770
2101	7590	10/03/2006	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			MIRZA, ADNAN M	
		ART UNIT	PAPER NUMBER	
			2145	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/872,164	FISHMAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Adnan M. Mirza	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 06 July 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-18 rejected under 35 U.S.C. 101 because claims do not specifically define computer useable medium toward the Specification. Specification has tangible and non-tangible embodiment for “medium”. Therefore computer useable medium is non-tangible embodiment.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conmy (US 2001/0014867) and further in view of Henneuse et al (U.S. 5,963,913).

As per claims 10,1,14 Conmy disclosed a system for scheduling an event over a network in a calendar of an invitee (Page. 1, Paragraph. 0030), the event having a set of details provided by an event creator (Page. 1, Paragraph. 0011), the system comprising: that when selected by the invitee creates a schedule request referencing at least the set of details for the event and an

identifier for the event creator (Conmy, Paragraph. 0067 & 0077), the schedule request directing the event to the invitee's calendar; at least on server, in communication with the network, to receive the schedule request and store the event in the invitee's calendar and in an event record that includes a second link to the invitee's calendar; and at least on database, in communication with server, to store the event record (Conmy, Paragraph. 0026,0030,0064-0067,0083).

However Conmy did not disclose in detail, "a first link, inserted in a web page associated with the event creator and including a set of details regarding the event".

In the same field of endeavor Henneuse disclosed the server application then receives an event confirmation submitted by the scheduler using a client application to access the event confirmation page. IN response, the server application then creates and sends a message to each available participant to provide the schedule for the event. In one implementation, the event definition page, event reply page and event confirmation page are web pages on an Internet (col. 1, lines 63-67 & col. 2, lines 1-3).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the server application then receives an event confirmation submitted by the scheduler using a client application to access the event confirmation page. IN response, the server application then creates and sends a message to each available participant to provide the schedule for the event. In one implementation, the event definition page, event reply page and event confirmation page are web pages on an Interne as taught by Henneuse in the

method of Conmy to make the user scheduling system more user friendly while being productive and make it more versatile.

3. As per claims 2,12,16 Conmy-Henneuse disclosed further including; creating a link from the event record to the event creator's calendar; and adding the event to the event creator's calendar (Conmy, Page. 1, Paragraph. 0010).
4. As per claims 3,13 Conmy-Henneuse disclosed wherein the network is the Internet (Henneuse, col. 2, lines 1-3).
6. As per claim 4 Conmy-Henneuse disclosed wherein the invitee's calendar, the event creator's calendar and the event record are stored in a database in communication with the server (Conmy, Page. 1, Paragraph 0013).
7. As per claims 5,11,15 Conmy-Henneuse disclosed wherein the schedule request is a hypertext transfer protocol request (Henneuse, col. 3, lines 1-8).
8. As per claim 6 Conmy-Henneuse disclosed wherein the invitee's calendar is part of a personal information management system (Conmy, Page 1, Paragraph. 0013).
9. As per claims 7,17 Conmy-Henneuse disclosed wherein the event creator changes at least one member of the set of details for the event, the method further including: updating the event

record with the changed set of details; and updating the event in the invitee's calendar with the changed set of details using the link between the event record and the invitee's calendar (Conmy, Page 1, Paragraph. 0013).

10. As per claims 8,18 Conmy-Henneuse disclosed further including sending a notification message to the invitee including the changed set of details (Conmy, Page. 1, Paragraph. 0010).

11. As per claim 9 Conmy-Henneuse disclosed wherein the schedule is created using a link associated with the event (Henneuse, col. 1, lines 63-67 & col. 2, lines 1-3).

***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

13. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Adnan Mirza

Examiner



JASON CARDONE  
SUPERVISORY PATENT EXAMINER